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and Certain of Its Affiliates

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

| | |
|---|---------------------------------|
| -----X | |
| In re | : Chapter 11 Case No. |
| | : |
| LEHMAN BROTHERS HOLDINGS INC., et al., | : 08-13555 (SCC) |
| | : |
| Debtors. | : (Jointly Administered) |
| | : |
| -----X | |

**APPELLEE-PLAN ADMINISTRATOR’S COUNTER-DESIGNATION OF
ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL¹**

Appellee Lehman Brothers Holdings Inc., as Plan Administrator under the *Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors* (“LBHI”), hereby designates, pursuant to Rule 8009(a)(2) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), the following additional items to be included in the record on the appeal filed by Rex Wu (the “Appellant”):²

¹ The items designated for inclusion in the record herein are in reference to the appeal of Rex Wu under the caption *Rex Wu v. Lehman Brothers Holdings Inc.*, Case No. 1:20-cv-05823-RA. Please transmit the items designated herein to the docket of each appeal.

² Although LBHI disagrees with aspects of the statement of issues on appeal as asserted by Appellant, LBHI has not stated the issues on appeal more accurately herein because Rule 8009 of the Bankruptcy Rules does not provide for the filing of an appellee’s statement of the issues (absent a cross-appeal). LBHI, therefore, reserves its right to properly state the issues on appeal in its appellate brief.

COUNTER-DESIGNATION OF RECORD

LBHI hereby designates the additional items outlined below to be included in the record, and, as applicable, incorporates the items designated by Appellant. Appellant's designation of the record, however, did not specify whether it was including all exhibits and attachments to the items designated. For the avoidance of doubt, for the items designated by either LBHI or the Appellant, LBHI treats the designations as including *all* exhibits and attachments to such items, whether listed or not by either LBHI or the Appellant. Moreover, while LBHI does not, at this time, object to any items designated by the Appellant, LBHI does not concede the relevance of any such items.

The additional items to be included in the record are as follows:

| Designation Number | ECF Number | Date of Filing | Description |
|---------------------------|-------------------|-----------------------|---|
| 1. | 4271 | 7/02/2009 | Order Establishing the Deadline for Filing Proofs of Claim, Approving the Form and Manner of Notice Thereof and Approving the Proof of Claim Form |
| 2. | 12413 | 10/28/2010 | Order Granting Debtors Forty-First Omnibus Objection to Claims |
| 3. | 12527 | 11/03/2010 | Order Granting Debtors Fortieth Omnibus Objection to Claims |
| 4. | 12671 | 11/10/2010 | Order Granting Debtors Forty-Eighth Omnibus Objection to Claims |
| 5. | 12676 | 11/10/2010 | Order Granting Debtors Fifty-Fifth Omnibus Objection to Claims |
| 6. | 12835 | 11/17/2010 | Order Granting Debtors Fiftieth Omnibus Objection to Claims |
| 7. | 12893 | 11/18/2010 | Order Granting Debtors Forty-Ninth Omnibus Objection to Claims |
| 8. | 18427 | 7/12/2011 | Order Granting Debtors One Hundred Forty-Third Omnibus Objection to Claims |

| Designation Number | ECF Number | Date of Filing | Description |
|---------------------------|-------------------|-----------------------|---|
| 9. | 19528 | 8/25/2011 | Supplemental Order Granting Debtors One Hundred Fifty-Second Omnibus Objection to Claims (Amended and Superseded Claims) |
| 10. | 19629 | 9/01/2011 | Debtors Disclosure Statement for Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors Pursuant to Section 1125 of the Bankruptcy Code |
| 11. | 19631 | 9/01/2011 | Amended Order (I) Approving the Proposed Disclosure Statement and the Form and Manner of Notice of the Disclosure Statement Hearing, (II) Establishing Solicitation and Voting Procedures, (III) Scheduling a Confirmation Hearing, and (IV) Establishing Notice and Objection Procedures for Confirmation of the Debtors Joint Chapter 11 Plan |
| 12. | 20107 | 11/16/2011 | Debtors Two Hundred and Eighteenth Omnibus Objection to Disallow and Expunge Certain Filed Proofs of Claim |
| 13. | 22737 | 11/29/2011 | Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors filed by Lori R. Fife on behalf of Lehman Brothers Holdings Inc. |
| 14. | 23023 | 12/06/2011 | Order Confirming Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors |
| 15. | 23049 | 12/07/2011 | Order Granting Debtors Two Hundred Eighteenth Omnibus Objection to Disallow and Expunge Certain Claims |
| 16. | 23049 | 2/07/2011 | Order Granting Debtors Two Hundred Eighteenth Omnibus Objection to Disallow and Expunge Certain Claims |
| 17. | 26039 | 3/06/2012 | Notice of Effective Date and Distribution Date in Connection with the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors |
| 18. | 27630 | 4/27/2012 | Supplemental Order Granting Debtors Two Hundred Eighteenth Omnibus Objection to Disallow and Expunge Certain Claims |

| Designation Number | ECF Number | Date of Filing | Description |
|---------------------------|-------------------|-----------------------|--|
| 19. | 46304 | 9/13/2014 | Rickey Gregory Response to Order Granting Motion for Authorization for Lehman Brothers Special Financing Inc. and Lehman Brothers Commercial Corporation to invest disputed claims reserves for claim numbers 66455 and 66476 |
| 20. | 59409 | 1/22/2019 | Joint Liquidators' Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors for Purposes of Distributions |
| 21. | 59549 | 2/25/2019 | Plan Administrators Objection to Motion to Allow Late Claim |
| 22. | 59555 | 2/26/2019 | Rickey Gregory Letter in Support of Joint Liquidators Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors for Purposes of Distributions |
| 23. | 59614 | 4/08/2019 | Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors for Purposes of Distributions |
| 24. | 59659 | 4/25/2019 | Joinder of M. Gregory Rex Wu's Motion |
| 25. | 59680 | 5/06/2019 | Statement Notice of Errata re: Rex Wu's Motion |
| 26. | 59686 | 6/06/2019 | Letter to Judge Chapman re: Support for Rex Wu's Motion |
| 27. | 59715 | 5/13/2019 | Rex Wu letter regarding Joinder to Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions |
| 28. | 59735 | 5/23/2019 | Joinder of Dan Ianello to Motion of Rex Wu to Approve Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions |
| 29. | 59736 | 5/23/2019 | Joinder of Julie Ianello to Motion of Rex Wu to Approve Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions |

| Designation Number | ECF Number | Date of Filing | Description |
|---------------------------|-------------------|-----------------------|---|
| 30. | 59738 | 5/29/2019 | Plan Administrator's Objection to Motion to Allow Late Claim |
| 31. | 59741 | 5/31/2019 | Joinder of Alex Olivo to Rex Wu's Motion |
| 32. | 59751 | 6/06/2019 | Response to the Plan Administrator's Objection to Notice of Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions |
| 33. | 59753 | 6/03/2019 | Joinder of Glen A. Blaze to Rex Wu's Motion |
| 34. | 59755 | 6/04/2019 | Joinder of Elizabeth Harrison to Rex Wu's Motion |
| 35. | 59772 | 6/13/2019 | Objection to the Timing of the Early Distribution |
| 36. | 59773 | 6/13/2019 | Motion of Rex Wu to Demand Services |
| 37. | 59789 | 6/18/2019 | Objection to the Motion of Plan Administrator for an Order in aid of Execution of the Modified Third Amended Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors |
| 38. | 59790 | 6/18/2019 | Objection of the Motion of Plan Administrator for an Order in aid of Execution of the Modified Third Amended Chapter 11 Plan of Lehman Brothers Holdings Inc. and its affiliated Debtors |
| 39. | 59791 | 6/18/2019 | Objection to the Motion of Plan Administrator for an Order in aid of Execution of the Modified Third Amended Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors |
| 40. | 59792 | 6/18/2019 | Motion to Approve Motion to Demand Service |
| 41. | 59793 | 6/18/2019 | Motion to Approve Motion to Demand Service |
| 42. | 59801 | 7/02/2019 | Order Denying Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions filed by Rex Wu (ECF NO. 59614) and Overruling Related Objections to the Timing of Eighteenth Distribution |
| 43. | 59816 | 7/11/2019 | Notice Regarding Eighteenth Distribution Pursuant to the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors |
| 44. | 59913 | 8/28/2019 | Letter to Judge Chapman |

| Designation Number | ECF Number | Date of Filing | Description |
|---------------------------|-------------------|-----------------------|--|
| 45. | 60337 | 1/2/2020 | Motion To Reclassify |
| 46. | 60348 | 1/7/2020 | Joinder To Motion To Reclassify |
| 47. | 60354 | 1/9/2020 | Joinder To Motion Of Joseph J. Waske |
| 48. | 60379 | 1/21/2020 | Statement Joinder To Motion To Reclassify Shares Filed By Joseph J. Waske |
| 49. | 60381 | 1/22/2020 | Statement Joinder To Motion To Reclassify Shares Filed By Joseph J. Waske |
| 50. | 60400 | 1/3/2020 | Letter To Judge Chapman |
| 51. | 60403 | 1/31/2020 | Response To Plan Administrators Objection To Motion To Reclassify |
| 52. | 60448 | 2/25/2020 | Motion To Reserve For Motion To Reclassify |
| 53. | 60478 | 3/09/2020 | Letter In Support Of Motion By Joseph Waske |
| 54. | 60479 | 3/09/2020 | Letter In Support Of Motion By Joseph Waske |
| 55. | 60484 | 3/20/2020 | Motion for Summary Judgment |
| 56. | 60482 | 3/24/2020 | Objection to Motion to Reserve |
| 57. | 60493 | 3/30/2020 | Certificate of Service |
| 58. | 60495 | 4/01/2020 | Order of U.S. District Court Judge Paul A. Engelmayer dismissing Ianello/Wu Appeal |
| 59. | 60498 | 4/06/2020 | Notice of Telephonic Hearing |
| 60. | 60507 | 4/09/2020 | Letter to Judge Chapman |
| 61. | 60508 | 4/14/2020 | Memorandum Endorsed Order Denying Request |
| 62. | 60509 | 4/14/2020 | Notice of Memorandum Endorsed Order Denying Request |
| 63. | 60542 | 4/20/2020 | Response to Objection to Motion to Reserve |
| 64. | 60641 | 5/18/2020 | Plan Administrator's Objection to Motion for Summary Judgment |
| 65. | 60642 | 5/19/2020 | Response to Plan Administrator's Objection to Motion for Summary Judgment |
| 66. | 60645 | 5/23/2020 | Letter to Honorable Shelley C. Chapman filed by Alvin Wilson |

| Designation Number | ECF Number | Date of Filing | Description |
|---------------------------|-------------------|-----------------------|--|
| 67. | 60653 | 5/28/2020 | Notice of Agenda of Matters Scheduled for Hearing on June 3, 2020 at 10:00 AM EST |
| 68. | 60654 | 6/03/2020 | Letter to Honorable Shelley C. Chapman filed by Michael Logan |
| 69. | 60655 | 6/03/2020 | Letter to Honorable Shelley C. Chapman filed by Rex Wu |
| 70. | 60655 | 6/05/2020 | Letter to Honorable Shelley C. Chapman filed by Rex Wu |
| 71. | 60678 | 6/11/2020 | Order Denying (I) Motion to Reclassify (Related Doc # [60337]); (II) Motion to Reserve for Motion to Reclassify (Related Doc # [60448]); and (III) Motion for Summary Judgment (Related Doc # [60484]) |
| 72. | 60680 | 6/13/2020 | Affidavit: Important Covenants to Lehman Brothers Holdings Communication |
| 73. | 60681 | 6/15/2020 | Letter to Honorable Shelley C. Chapman filed by Alex Olivo |
| 74. | 60685 | 6/24/2020 | Letter to Honorable Shelley C. Chapman filed by Rex Wu |
| 75. | 60697 | 6/23/2020 | Transcript from hearing held June 3, 2020 |
| 76. | 60699 | 7/1/2020 | Affidavit: Important Covenants to Lehman Brothers Holdings Communication |
| 77. | 60707 | 7/3/2020 | Affidavit Communication to LBIE and High Court Re Distribution, filed by Rex Wu |
| 78. | 60746 | 7/22/2020 | Statement: Re In the Matter of Lehman Brothers International (Europe) (In Administration) and In the Matter of the Insolvency Act of 1986 case # 7942 of 2008 CR-2008-000012 |
| 79. | Exhibit A hereto | 6/19/2019 | Transcript from hearing held on June 19, 2019 |
| 80. | Exhibit B hereto | 9/21/2009 | Capital Trust III Allowed Claim No. 21805 against LBHI |
| 81. | Exhibit C hereto | 9/21/2009 | Capital Trust IV Allowed Claim No. 22122 against LBHI |
| 82. | Exhibit D hereto | 9/21/2009 | Capital Trust V Allowed Claim No. 22123 against LBHI |

| Designation Number | ECF Number | Date of Filing | Description |
|-----------------------|---------------------|----------------|--|
| 83. | Exhibit E hereto | 11/30/2011 | Capital Trust VI Allowed Claim No. 67753 against LBHI |

Dated: July 29, 2020
New York, New York

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